

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
WILLIAM G. GIBBONS, : Index No.: 07 CV 2801

Plaintiff, : (MGC/HBP)

- against - :

LEONARD FRONTON, D.O., STEVEN FEIN, M.D., : AFFIRMATION IN
STERLING MEDICAL CORPORATION, DEPARTMENT : OPPOSITION
OF VETERANS AFFAIRS and THE UNITED STATES OF:
AMERICA,
:
Defendants.
:
----- X

Michael J. Gudzy, an attorney duly licensed to practice law in the State of New York, hereby affirms the following to be true, under penalty of perjury and pursuant to 28 U.S.C. §1746:

1. I am associated with the law firm of WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, attorneys of record for defendants STERLING MEDICAL ASSOCIATES (s/h/a STERLING MEDICAL CORPORATION), LEONARD FRONTON, D.O. and STEVEN FINE, M.D. (s/h/a STEVEN FEIN, M.D.) As such, I am fully familiar with the facts and circumstances surrounding this action.

2. We are in receipt of the declaration of Allison D. Penn, Esq., in support of the motion to dismiss by co-defendant DEPARTMENT OF VETERANS AFFAIRS ("VA") and UNITED STATES OF AMERICA. This affirmation is respectfully submitted in opposition.

3. This is an action for medical malpractice arising out of plaintiff's treatment at a VA clinic in Deerfield Beach, Florida. (Penn Declaration, Exhibits "A" and "B"). The plaintiff

was seen at the clinic multiple times between November 21, 2001 and September 9, 2004. (Penn Declaration, Exhibit "B", ¶32.) Plaintiff alleges that the physicians at the clinic failed to diagnose his prostate cancer. Id.

4. Co-defendants request dismissal on the grounds that the VA clinic was operated by STERLING MEDICAL ASSOCIATES; that DR. FINE and DR. FRONTON were employees of STERLING; that STERLING was an independent contractor; and that the Federal Tort Claims Act bars any vicarious liability claims against the government when the alleged negligence was by an independent contractor.

5. The plaintiff's medical records, however, show that he was repeatedly seen by specialists at other facilities in the VA system. (A copy of the records of STERLING MEDICAL ASSOCIATES is attached as Exhibit "A"). These records also show that blood samples were sent to outside labs to test for prostate cancer. (Exhibit "A").

6. Co-defendant concedes that the UNITED STATES OF AMERICA, through the VA, would be liable for negligence "of any employee of the Government while acting within the scope of his office or employment." 26 U.S.C. §1346(b). The UNITED STATES also concedes that it would be liable if it exercised a sufficient degree of control over the physical performance of the work or the day-to-day operations of the facility. B&A Marine Co. v. American Foreign Shipping Co., 23 F.3d 709 (2nd Cir. 1994).

7. This case has just been commenced and no discovery has yet taken place. We do not know whether the specialists were VA employees; whether the outside labs were run directly by the VA; whether the technicians in the labs were VA employees; or whether there is other evidence of direct involvement by the VA. We do not know if discovery will show that the specialists should have made further inquiries into plaintiff's health, or if the labs misread the

PSA (prostate-specific antigen) tests. Since there has been no opportunity to explore these issues, co-defendant's motion should be denied as premature.

8. When considering a motion to dismiss pursuant to Fed.R.Civ.P. Rule 12(b)(6), the Court must accept the factual allegations of the complaint as true and must draw all reasonable inferences in favor of the plaintiff. Bernheim v. Litt, 79 F.3d 318, 321 (2nd Cir. 1996). A complaint may not be dismissed under Rule 12(b)(6) unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief. Id. (Internal citations omitted). It is premature to dismiss a case where substantial discovery is required. Streit v. Bushnell, 424 F.Supp. 633 (S.D.N.Y. 2006); Conrac Corp. v. American Telephone & Telegraph Co., 546 F.Supp. 429 (S.D.N.Y. 1982).

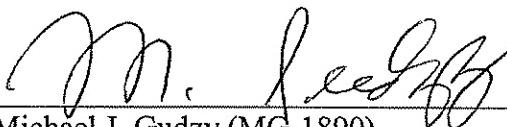
9. In light of the possibility of direct claims against the United States, and the lack of any discovery on the issue, it is respectfully requested that co-defendants' motion be denied.

10. I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: New York, New York
August 6, 2007

Respectfully submitted,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By 
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and the UNITED STATES OF AMERICA
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New York, NY 10007
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ATTN:ALLISON D. PENN, ESQ.

Exhibit A

Patient Inquiry

GIBBONS, WILLIAM G 130-36-3209

Jan 30, 1948 (59)

=====
*** WORK COPY ONLY ***=====
Printed: Feb 28, 2007 14:18=====
COORDINATING MASTER OF RECORD: MIAMI VAMC

Address: 194 GARTH ROAD Temporary: NO TEMPORARY ADDRESS
 APT. #4I
 SCARSDALE, NY 10583
 County: UNSPECIFIED From/To: NOT APPLICABLE
 Phone: (914) 713-4940 Phone: NOT APPLICABLE
 Office: UNSPECIFIED
 Cell: UNSPECIFIED
 E-mail: UNSPECIFIED

Bad Addr:

Confidential Address:
 NO CONFIDENTIAL ADDRESS
 From/To: NOT APPLICABLE

Confidential Address Categories:

Combat Vet Status: NOT ELIGIBLE
 Primary Eligibility: NSC (VERIFIED)
 Other Eligibilities:
 Unemployable: NO
 Means Test Signed?: YES

Patient's status is MT COPAY EXEMPT based on primary means test
 Veteran is eligible and provision of hospital care is mandatory
 Primary Means Test Last Applied 'JUN 24, 2006' (COMPLETED: JUN 24, 2006)
 Medication Copayment Exemption Status: NON-EXEMPT
 Patient's income is greater than Copay Income Threshold
 Last Rx Copay Exemption date: JUN 24, 2006

Status : PATIENT HAS NO INPATIENT OR LODGER ACTIVITY IN THE COMPUTER

Future Appointments: NONE

Remarks:

Date of Death Information

Date of Death:

Source of Notification:

Updated Date/Time:

Last Edited By:

Emergency Contact Information:

E-Cont.: GIBBONS, CHRISTINA

Relationship: DAUGHTER

101 BRINY AVE

APT #1207

POMPANO BEACH, FL 33062

Phone: 954-942-8268

Work Phone: UNSPECIFIED

Patient Inquiry

GIBBONS, WILLIAM G 130-36-3209 Jan 30, 1948 (59)
=====
*** WORK COPY ONLY *** Printed: Feb 28, 2007 14:18

Health Insurance Information:

Insurance	COB	Subscriber ID	Group	Holder	Effective	Expires
HORIZON ME		130363209		SELF	06/01/02	06/01/02
CHOICE-NET		130363209	7314	SELF	06/01/02	05/31/03
UNITED HEA		130363209	82075	SELF	06/01/03	

Service Connection/Rated Disabilities:

Service Connected: NO
Rated Disabilities: NONE STATED

Next of Kin Information:

Name: GIBBONS, JANIS (DAUGHTER)
101 BRINY AVE
APT #1207
POMPANO BEACH, FLORIDA 33062

Phone number: (914) 713-4940

-----Report from--DEERFIELD-BEACH-CBEC----Station-#546GH-----
Medical Record | PROBLEM LIST Page: 1

Date Recorded	Problems	Date of Onset	Date Resolved
1. 9/10/02	\$ RECTAL ANAL HEMORRHAGE (569.3)		
2. 11/21/01	BASAL CELL CA ON LT BACK (799.9)		

\$ = Requires verification by provider

GIBBONS, WILLIAM G
130-36-3209

VAMC
Pt Loc: OUTPATIENT

Printed: 2/28/07 14:13
VA FORM 10-1415

MEDICAL RECORD

Progress Notes

NOTE DATED: 11/21/2001 08:53

LOCAL TITLE: GENERAL NOTE

STANDARD TITLE: INTERNAL MEDICINE NOTE

VISIT: 11/21/2001 10:00 DEERFIELD BEACH ALSTON

HISTORY & PHYSICAL

PC: Mr. William Gibbons is a 52-year-old gentleman, pleasant, who comes to the Deerfield Beach VA Clinic for evaluation and care.

HPI: The patient has had basal cell carcinoma of his skin before with removal. He states that the one on his left posterior back, over his shoulder blade, appears to have reappeared over the site of removal. He wishes to have this evaluated and possibly referred to dermatology for removal.

PMH:

1. Basal cell cancer in the past on multiple areas of the body with removal.

FAMHX: Negative for cancer, diabetes or heart disease. He has four children.

SOCHX: Does not smoke. Drinks maybe 5 drinks a week at most.

OCCHX: Works as a MRI tech.

Allergies and Adverse Reactions in VistA -

NKA.

MEDICATIONS: None.

Immunizations in VistA -

ROS -

General: Denies weight change, fever, chills, night sweats, or fatigue.

HEENT: Denies headaches, visual change, tinnitus, hearing loss, sore throat, or hoarseness.

Neck: Denies masses, swelling, stiffness, limitations in range of motion, or pain.

Cardio: No chest pain, no palpitations, no lower extremity edema.

Resp: No shortness of breath at rest or activity.

GI: No epigastric discomfort, no melena, no bowel pattern abnormality.

GU: No dysuria, no hematuria.

Musc/Skel: Full range of motion, no joint pain or arthritis.

Skin: Denies rash, mass or mole change.

Neuro: No unilateral motor or sensory loss, no central cognition issues. The patient is alert and active.

Psych: Anxiety and depression; the patient shows no signs of anxiety, no signs of depression or suicidal behavior patterns.

Endocrine: No signs of diabetes, no signs of hypothyroidism, no

** THIS NOTE CONTINUED ON NEXT PAGE **

MEDICAL RECORD

Progress Notes

1/21/2001 08:53 ** CONTINUED FROM PREVIOUS PAGE **

Polydipsia, no polyphagia associated with diabetes and no signs of loss of hair, thinning of hair, thickness of skin with hypothyroidism.
 Hem/Lymph: Denies easy bruising or bleeding disorder.
 Allergy/Immuno: Denies allergies or frequent infections.

Physical Exam - Vital Signs

Reveals a 52-year-old male, weight 200 lbs., height 67", blood pressure 120/90, temperature 98, respiratory rate 18, heart rate 68 regular. Pain scale 0 out of 10.

Visual acuity: O.D. 20/40, O.S. 20/15, O.U. 20/15.

General Appearance: No cyanosis, no pallor, no jaundice, no edema, apyrexic.

ENT: PERRLA, EOMI, no icterus. Neck is supple, no JVD, no carotid bruit or thyromegaly.

Respiratory: Breath sounds are clear, no rales or rhonchi.

Cardiac: Heart sounds S1/S2, no murmur, regular rate and rhythm.

Chest (Breasts): Symmetrical.

Gastrointestinal: Soft, positive bowel sounds, no organomegaly.

Rectal: Deferred.

Genitourinary: Deferred.

Lymphatic: Negative lymphatic survey.

Musculoskeletal: Full range of motion.

Skin: Examination of the left upper back, over the scapula, reveals an area of basal cell removal with reactivation of the basal cell at the site of removal.

Neurologic: Intact.

Motor sensory: Bilateral symmetrical, cranial nerves II-XII intact. Deep tendon reflexes are brisk and firm. Babinski is not present.

Psychiatric/MH: Pleasant and cooperative. Maintains eye contact. Memory intact for immediate, recent, and remote events. Logical thought processes. Coherent and responsive throughout exam.

Assessment/Plan:

1. Basal cancer at the site of past removal over the left scapula. The patient will be referred to dermatology for removal.

2. Well care issues. PSA, TFT, CBC W/DIFF, SMAC-12, UA, and guaiac stool cards x 3 have been ordered. See back in 1 month for recheck of the basal cell cancer. The patient declines a Pneumovax and flu vaccine presently.

Signed by: /es/ Steven S Fine, MD
 Deerfield Beach CBOC Provider
 11/23/2001 09:01

MEDICAL RECORD

Progress Notes

NOTE DATED: 11/21/2001 10:28

LOCAL TITLE: NURSING NOTE

STANDARD TITLE: NURSING NOTE

VISIT: 11/21/2001 10:00 DEERFIELD BEACH ALSTON

53 y/o male here to get established with clinic has questions about skin cancer. EKG performed as per Dr Fine.

CLINICAL REMINDER ACTIVITY

Advanced Directives Education:

Patient received oral and written information about advanced directives this visit, information included number of person to call if they would like to initiate an advanced directive.

Level of Understanding: Good

Alcohol Use Screen:

CAGE an ALCOHOL SCREENING INSTRUMENT

An alcohol screening test (CAGE) was negative (score=0).

1. Have you ever felt you should cut down on your drinking? No
2. Have people annoyed you by criticizing your drinking? No
3. Have you ever felt bad or guilty about your drinking? No
4. Have you ever had a drink first thing in the morning to steady your nerves or to get rid of a hangover (an eye opener)? No

DEPRESSION/MDD SCREEN:

During the past month, have you often been bothered by feeling down, depressed or hopeless ?

NO

During the past month, have you often been bothered by little interest of pleasure in doing things ?

NO

Patient was screened using the PRIME-MD 2 question Depression screen. Both questions were answered NO resulting in a negative/normal screening.

Fecal Occult Blood Test:

Patient was given FOBT cards x3 with instructions for their use and where to return them when completed.

FUNCTIONAL/PHYSICAL ACTIVITY SCREEN:

DO YOU OFTEN ASK PEOPLE TO REPEAT WHAT THEY ARE SAYING OR DO PEOPLE COMPLAIN YOU HAVE THE TV/RADIO TOO LOUD ?

DO YOU HAVE PROBLEMS READING ?

Follow up by provider for the above positive screens.

Hepatitis C Risk Assessment:

Patient had no risk factors for hep c.

Hypertension Education:

Patient had hypertension education at this encounter.

Level of Understanding: Good

Influenza Immunization:

** THIS NOTE CONTINUED ON NEXT PAGE **

MEDICAL RECORD

Progress Notes

11/21/2001 10:28 ** CONTINUED FROM PREVIOUS PAGE **

Patient DECLINED to have the influenza immunization at this visit.

NUTRITIONAL SCREENING/EDUCATION:

Patient has BMI>27. Patient encouraged to attend Weight Management program.

Patient refuses to be seen by Nutrition for counseling and education related to findings of this screen. Patient verbalizes understanding of potential problems arising from this refusal.

Healthy living brochure, which includes information on guidelines for healthy nutrition, importance of regular activity/exercise, and Weight Management class was given and discussed with the patient.

Patient verbalized understanding of information.

PATIENT EDUCATION:

Patient had the following needs/barriers identified:

Comment: NO BARRIERS/NEEDS IDENTIFIED

The following people were taught:

Comment: PATIENT

The following actions/teaching methods were initiated as a result of the assessment of special needs or learning barriers;

Comment: VERBAL INSTRUCTIONS, WRITTEN INSTRUCTIONS

The following patient education was provided in ways understandable to the patient. Patient and/or family encouraged to participate in care and care decisions and encouraged to ask questions if they do not understand any information given. Information given and topics covered are:

Comment: PREVENTIVE HEALTH, ADVANCED DIRECTIVES, PATIENT SAFETY

The following handouts were given to the patient:

Comment: veteran's role advance directives

Patients level of understanding was assessed by having patient:

Comment: ANSWER QUESTIONS, ASK PROVIDER QUESTIONS

Level of Understanding: Good

The education followup plan includes:

Comment: PATIENT TO CALL WITH QUESTIONS

Preventive Health Counseling:

Patient had preventative health counseling at this encounter.

Level of Understanding: Good

Patient was given Healthy Living Pamphlet.

Tobacco Use Screen:

Patient is a lifetime non-tobacco user.

Signed by: /es/ TAMYAH A BLUE
medical assistant
11/21/2001 10:34

MEDICAL RECORD

Progress Notes

NOTE DATED: 03/26/2002 14:27

LOCAL TITLE: TELEPHONE CONTACT NOTE (GENERAL)

STANDARD TITLE: TELEPHONE ENCOUNTER NOTE

VISIT: 03/26/2002 14:27 DEERFIELD BEACH FRONTON

PT CALLED STATING HE HAS A SORE THROAT UNABLE TO SWALLOW, LEFT EAR ACHES AND FEELS LIKE THERE IS FLUID IN IT, C/O COUGH, THROAT PAIN, BRING UP GREEN PHLEGM. PT VOICED NO CHILLS, FEVER OR CHEST PAIN. MD AWARE. PT ORDERED AMOXICILLIN 500MG, LOTS OF FLUIDS, REST, TYLENOL EXTRA STRENGTH 500MG 2TABS Q4-6HRS PRN. PT VOICED UNDERSTANDING AND WILL BE COMING INTO CLINIC TO PICK UP A TEN DAY SUPPLY OF AMOXICILLIN.

Signed by: /es/ LINDA BHIM
LPN
03/26/2002 14:33

MEDICAL RECORD

Progress Notes

NOTE DATED: 09/10/2002 10:55
 LOCAL TITLE: T--PC FOLLOW-UP
 STANDARD TITLE: PRIMARY CARE NOTE
 VISIT: 09/10/2002 10:30 DEERFIELD BEACH FRONTON
 PC FOLLOW-UP

GIBBONS, WILLIAM G is a 54 yo MALE, RACE UNKNOWN

Follow-Up Patient Visit: Name: Gibbons, William September 10, 2002
 3209

REASON FOR CONTACT: This gentleman was seen here once before on November 21, 2001 by Dr. Steven Fein, and has had no reason to return until now. He comes in today with complaint of noticing some rectal bleeding on his tissue yesterday, wiping himself following a bowel movement, and then a little bit again later on. He has had external hemorrhoids for years, but never had any bleeding previously. There are no changes in his bowel habits, his appetite is good, and his weight is stable. He has no family history of colon cancer either. He is currently on no prescription medications.

VITAL SIGNS: W 213 H 5'7" BP 130/90 P 64 R 18 T 98.8 (orally)
 PN 0

ALLERGIES: NKA.

PHYSICAL EXAMINATION:

General: The patient is a 54-year-old adult white male, overweight, in no acute distress.

NECK: No carotid bruits and no JVD.

HEART: NS, R&R at 64 per minute, without murmurs, arrhythmias or ectopy.

LUNGS: Clear and well ventilated without any adventitious sounds.

ABDOMEN: Benign. No masses. Normal bowel sounds are heard on auscultation.

LOWER EXTREMITIES: No pretibial, foot or ankle edema on either side.

RECTAL: Some small external hemorrhoids. Internal rectal reveals no internal hemorrhoids and no other rectal masses. Normal size prostate. No blood whatsoever on the gloved finger.

ASSESSMENT:

1. Rectal bleeding, probably benign, secondary to small hemorrhoids, yesterday. Very minute amount.

TREATMENT PLAN:

1. I am going to get some basic fasting labs, as follows: CBC, CMP 14, FLP, TSH, and PSA. He will also be given three heme occult slides to test for occult blood.
2. I encouraged him to get a colonoscopy for complete evaluation, but he is a little reluctant, at least at this point.
3. Return here as needed.

** THIS NOTE CONTINUED ON NEXT PAGE **

GIBBONS, WILLIAM G
 130-36-3209 DOB:01/30/1948

MIAMI VAMC
 Pt Loc: OUTPATIENT

Printed:02/28/2007 14:11
 Vice SF 509

MEDICAL RECORD

Progress Notes

09/10/2002 10:55 ** CONTINUED FROM PREVIOUS PAGE **

1. When I have the results, I will discuss them with him.

nedi: 96
r: 09/10/2002
JN: 25085

Signed by: /es/ Leonard Fronton, DO
Deerfield Beach CBOC Physician
09/11/2002 15:51

GIBBONS, WILLIAM G
130-36-3209 DOB:01/30/1948

MIAMI VAMC
Pt Loc: OUTPATIENT

Printed:02/28/2007 14:11
Vice SF 509

MEDICAL RECORD

Progress Notes

NOTE DATED: 09/10/2002 10:24

LOCAL TITLE: NURSING NOTE

STANDARD TITLE: NURSING NOTE

VISIT: 09/10/2002 10:30 DEERFIELD BEACH FRONTON

PT HERE TODAY FOR EVALUATION OF PREVIOUS DIAGNOSIS

CLINICAL REMINDER ACTIVITY

Hypertension Education:

Patient had hypertension education at this encounter.

Level of Understanding: Good

MST Screening:

Patient denies experiencing MST in the past.

PATIENT EDUCATION:

Patient had the following needs/barriers identified:

Comment: NO BARRIERS/NEEDS IDENTIFIED

The following people were taught:

Comment: PATIENT

The following actions/teaching methods were initiated as a result of the assessment of special needs or learning barriers;

Comment: VERBAL INSTRUCTIONS, WRITTEN INSTRUCTIONS

The following patient education was provided in ways understandable to the patient. Patient and/or family encouraged to participate in care and care decisions and encouraged to ask questions if they do not understand any information given. Information given and topics covered are:

Comment: MEDICATIONS, DIET AND NUTRITION, FOLLOW UP CARE, PATIENT RESPONSIBILITY, OTHER, PREVENTIVE HEALTH, ADVANCED DIRECTIVES, PATIENT SAFETY, UNIT/CLINIC ORIENTATION

The following handouts were given to the patient:

Comment: VET ROLE IN SAFE CARE, RIGHTS AND RESPONSIBILITIES, HEALTHY LIVING HANDOUT, ADVANCED DIRECTIVES INFO

Patients level of understanding was assessed by having patient:

Comment: ANSWER QUESTIONS, ASK PROVIDER QUESTIONS

Level of Understanding: Good

The education followup plan includes:

Comment: CONTINUE EDUCATION NEXT VISIT, GIVEN UNIT/CLINIC PHONE #

PTSD Screen:

Patient screened normal on the PTSD Screen.

Preventive Health Counseling:

Patient had preventative health counseling at this encounter.

Level of Understanding: Good

Prostate CA Screen Edu:

Patient received oral and written information about prostate cancer screening this visit. Risk and benefits of prostate cancer screening were discussed with patient. Patient was provided an opportunity to ask questions and discuss information. Patient instructed to discuss PSA testing with provider, if he would like test done.

** THIS NOTE CONTINUED ON NEXT PAGE **

MEDICAL RECORD

Progress Notes

09/10/2002 10:24 ** CONTINUED FROM PREVIOUS PAGE **

Signed by: /es/ DONNA M PIXLEY
LPN
09/10/2002 10:26

GIBBONS, WILLIAM G
130-36-3209 DOB:01/30/1948

MIAMI VAMC
Pt Loc: OUTPATIENT

Printed:02/28/2007 14:16
Vice SF 509

MEDICAL RECORD

Progress Notes

NOTE DATED: 09/10/2002 10:56

LOCAL TITLE: PRIMARY CARE CLINIC NOTE

STANDARD TITLE: PRIMARY CARE OUTPATIENT NOTE

VISIT: 09/10/2002 10:30 DEERFIELD BEACH FRONTON

CLINICAL REMINDER ACTIVITY

Cholesterol Screen (Male) :

CHOLESTEROL ordered for this patient at this visit.

LIPID PROFILE ordered for this patient this visit. Patient advised to follow low fat and low cholesterol diet, increase physical activity and control weight to manage her/his cholesterol.

Fecal Occult Blood Test:

Fecal occult blood test was ordered for this patient this visit .

Tetanus Diphtheria (TD-Adult):

Patient DECLINES tetanus diphtheria immunization

Signed by: /es/ Leonard Fronton, DO
Deerfield Beach CBOC Physician
09/10/2002 10:56

MEDICAL RECORD

Progress Notes

NOTE DATED: 01/09/2003 10:55

LOCAL TITLE: OAKPK DERMATOLOGY NOTE

STANDARD TITLE: DERMATOLOGY OUTPATIENT NOTE

VISIT: 01/09/2003 11:15 ZZZ DERM-FOLLOW UP-DR

54 yo wm f/u exam for actinic damage. old record not available. He was seen about 1 year ago and had some aks treated on his scalp. He also has a past hx of a bcc on his back. He has not noted any suspicious lesions.

Exam: two 4-5mm red rough keratoses crown.

Imp: Aks

Plan: LN2 cryo to 2 sites. sunscreens. rec f/u 12 months.

Signed by: /es/ ROBERT A SNYDER
M. D.
01/09/2003 11:01

MEDICAL RECORD

Progress Notes

JOTE DATED: 10/01/2003 10:35
 LOCAL TITLE: T--PC FOLLOW-UP
 STANDARD TITLE: PRIMARY CARE NOTE
 VISIT: 10/01/2003 10:30 DEERFIELD BEACH FRONTON
 PC FOLLOW-UP

GIBBONS, WILLIAM G is a 55 yo MALE, RACE UNKNOWN

GIBBONS, WILLIAM
 3209
 10/01/2003

REASON FOR CONTACT: This gentleman was requested by the VA to come back as he has not been here now in more than a year. This basically is his annual follow up. He feels and looks well offers no complaints and is still on no prescription medications. The only insurance he has is through the VA so I am the only primary care physician that he has seen. He would like his blood reevaluated, which we will do another digital rectal exam to recheck his prostate, as his PSA were running between maybe 5.5 and 7.1 on three different readings about a year to a year and a half ago. His brother has normal PSAs .4. Only one uncle had carcinoma of the prostate.

ALLERGIES: None.

PHYSICAL EXAMINATION:

General: The patient is a 55-year-old obese adult white male currently in no acute distress.

VITAL SIGNS:

WT	210 pounds
HT	5 feet 8 inches
BP	110/90
P	72
R	18
T	97.7
PN	0

NECK: Reveals no JVD, no carotid bruits.

HEART: NS, R&R at 72 per minute without any murmurs, arrhythmias, or ectopy.

LUNGS: Clear and well ventilated without any adventitious sounds.

ABDOMEN: Benign.

LOWER EXTREMITIES: No pretibial foot or ankle edema on either side.

RECTAL: Exam reveals some small external hemorrhoids. Internal rectal reveals no internal hemorrhoids or any other rectal masses. Prostate is minimally enlarged, but soft to touch, normal consistence, no lesions, no stony hard areas at all.

IMPRESSION:

1. Normal digital rectal exam with minimal prostate hypertrophy.
 ** THIS NOTE CONTINUED ON NEXT PAGE **

GIBBONS, WILLIAM G
 130-36-3209 DOB:01/30/1948

MIAMI VAMC
 Pt Loc: OUTPATIENT

Printed:02/28/2007 14:12
 Vice SF 509

MEDICAL RECORD

Progress Notes

10/01/2003 10:35 ** CONTINUED FROM PREVIOUS PAGE **

2. Exogenous obesity.

TREATMENT PLAN:

1. No medications are needed.
2. The following fasting labs are being performed this morning: CBC with differential, CMP 14, FLP, and PSA.
3. Return to see me again in one year.
4. If his PSAs are elevated at 7 or above again, I will give him a referral to urology for them to evaluate him and see if they feel a prostate biopsy is indicated. Probably not.

There were no education barriers noted.

Health maintenance, diet and exercise, along with other healthy living habits were reviewed with the patient and he verbalized understanding.

Medication instructions were reviewed with the patient regarding what they are being taken for, how to take them, and possible side effects with appropriate action to take. The patient was instructed to call the clinic with any adverse side effects.

Leonard Fronton, DO/smp
Deerfield Beach CBOC Physician

Signed by: /es/ Leonard Fronton, DO
Deerfield Beach CBOC Physician
10/06/2003 13:01

MEDICAL RECORD

Progress Notes

NOTE DATED: 12/04/2003 11:03

LOCAL TITLE: OAKPK DERMATOLOGY NOTE

STANDARD TITLE: DERMATOLOGY OUTPATIENT NOTE

VISIT: 12/04/2003 10:45 ZZZ DERM-FOLLOW UP-DR

f/u actinic damage. Hx bccs and Aks. c/o rough lesions scalp.

Exam 6mm red rough keratosis left mid scalp.

Imp: Ak

Plan: LN2 cryo. f/u 3 months.

Signed by: /es/ ROBERT A SNYDER
M. D.
12/04/2003 11:05

MEDICAL RECORD

Progress Notes

NOTE DATED: 03/04/2004 09:34

LOCAL TITLE: OAKPK DERMATOLOGY NOTE

STANDARD TITLE: DERMATOLOGY OUTPATIENT NOTE

VISIT: 03/04/2004 10:45 ZZZ DERM-FOLLOW UP-DR

f/u actinic damage. Hx of aks. without complaints.

Exam: 5 mm red rough keratosis crown

Imp: Ak

Plan: LN2 cryo . sunscreens, hat. f/u 6 months

Signed by: /es/ ROBERT A SNYDER
M. D.
03/04/2004 09:35

MEDICAL RECORD

Progress Notes

NOTE DATED: 08/05/2004 14:35

LOCAL TITLE: TELEPHONE CONTACT NOTE (GENERAL)

STANDARD TITLE: TELEPHONE ENCOUNTER NOTE

VISIT: 08/05/2004 14:35 DEERFIELD BCH NURSE

Pt is a 56 year old male who called complaining of blood in his urine. Pt states that he has seen speckles of blood in his urine every time he has urinated in the last 24 hours. Pt denies any burning or frequency to go, but that he has an itchy feeling. Per Dr. Fronton, pt is to come in and urinate in a cup. Once the results are in, pt will be contacted. Provider will will be notified. Pt voiced an understanding.

Signed by: /es/ ERIN L ROBINSON, M.A.
MEDICAL ASSISTANT
08/05/2004 14:39

Receipt Acknowledged By:

/es/ Leonard Fronton, DO
Deerfield Beach CBOC Physician
08/05/2004 14:55

GIBBONS, WILLIAM G
130-36-3209 DOB:01/30/1948

MIAMI VAMC
Pt Loc: OUTPATIENT

Printed:02/28/2007 14:12
Vice SF 509

MEDICAL RECORD

Progress Notes

NOTE DATED: 09/09/2004 10:53

LOCAL TITLE: OAKPK DERMATOLOGY NOTE

STANDARD TITLE: DERMATOLOGY OUTPATIENT NOTE

VISIT: 09/09/2004 10:45 ZZZ DERM-FOLLOW UP-DR

f/u actinic damage. c/o a few rough sites scalp.

Exam: red rough keratoses x2 scalp, x1 right temple, x1 dorehead.

Imp: Aks

Plan: LN2 cryo to 4 sites. 6 mos. sun precautions

Signed by: /es/ ROBERT A SNYDER
M. D.
09/09/2004 10:55

MEDICAL RECORD

CONSULTATION SHEET

Page 1 of 1

Consult Request: Consult	Consult No.: 327333
Po: OAKPK DERMATOLOGY From: DEERFIELD BEACH ALSTON	Requested: 11/21/2001 1:05 pm

Requesting Facility: DEERFIELD BEACH CBOC

=====

REASON FOR REQUEST: (Complaints and findings)
LEFT SHOULDER BASAL CELL CA.

=====

PROVISIONAL DIAG: LEFT SHOULDER BASAL CELL CA.I

REQUESTED BY: FINE, STEVEN S ER-VAMIA (Pager: 954 679-7154) (Phone: 4994)	PLACE: Consultant's choice	URGENCY: Routine
	SERVICE RENDERED AS: Outpatient	

C H A R T C O P Y

No Consultation Results available.

(Administrative Complete Comment)

Entered by: BASS, JOANN D - 03/06/2004 7:17 am

Responsible Person: BASS, JOANN D

Entered at: MIAMI VAMC

'This consult has been administratively closed per the Medical Executive Council based on a pending status greater than one year."

=====

AUTHOR & TITLE:

DATE:

ID #: _____ | ORGANIZATION: DEERFIELD BEACH C | REG #: _____ | LOC: DEERFIELD B

GIBBONS, WILLIAM G NSC NSC VETERAN
30-36-3209 01/30/1948
94 GARTH ROAD
APT. #4I

CONSULTATION SHEET
Standard Form 513 (Rev 9-77)

Report from: DEERFIELD BEACH CBOC Station #546GH

LAB INTERIM (Aug 20, 1824 - Feb 28, 2007@23:59)
GIBBONS, WILLIAM G 130-36-3209

Page 1

JAN 30, 1948 (59)

===== *** WORK COPY ONLY ***

Printed: 02/28/2007 14:13

Provider : FRONTON, LEONARD

Specimen: URINE.

UR 0805 100
08/05/2004 18:11

Test name	Result	units	Ref.	range	Site Code
URINE COLOR	YELLOW				[546]
APPEARANCE	CLEAR				[546]
SPECIFIC GRAVITY	1.018			1.01 - 1.03	[546]
URINE pH	5.0			5 - 7	[546]
URINE LEUKOCYTES	NEG	Leu/uL		NEG - POS	[546]
URINE NITRITE	NEG	mg/ml		NEG - POS	[546]
URINE BLOOD	NEG	Ery/uL		NEG - POS	[546]
URINE GLUCOSE	NEG	mg/dl		NEG - POS	[546]
URINE PROTEIN	NEGATIVE	mg/dl		NEG - POS	[546]
URINE KETONES	NEGATIVE	mg/dl		NEG - POS	[546]
URINE BILIRUBIN	NEG	mg/dl		NEG - POS	[546]
UROBILINOGEN	0.2	EU/dL		.2 - 8	[546]

Provider : FRONTON, LEONARD

Specimen: SERUM.

SC 1001 464
10/01/2003 16:44

Test name	Result	units	Ref.	range	Site Code
PSA	7.06	H ng/ml		0 - 4	[546]

Provider : FRONTON, LEONARD

Specimen: SERUM.

CH 1001 531
10/01/2003 16:44

Test name	Result	units	Ref.	range	Site Code
SODIUM	144	MMOL/L		137 - 145	[546]
POTASSIUM	4.4	MMOL/L		3.6 - 5	[546]
CHLORIDE	109	H MMOL/L		98 - 107	[546]
ECO2	27	MMOL/L		22 - 30	[546]
ANION GAP	8	L MMOL/L		9 - 16	[546]
GLUCOSE	92	MG/DL		75 - 110	[546]
UREA NITROGEN	18	MG/DL		9 - 20	[546]
CREATININE	1.2	MG/DL		.8 - 1.5	[546]
CALCIUM	9.0	MG/DL		8.4 - 10.2	[546]
ALBUMIN	4.1	G/DL		3.9 - 5	[546]
TOTAL PROTEIN	6.7	GM/DL		6.3 - 8.2	[546]
ALT	27	U/L		21 - 72	[546]
AST	19	U/L		10 - 47	[546]
ALKALINE PHOSPHATASE	66	U/L		38 - 126	[546]
BILIRUBIN TOTAL	1.7	H MG/DL		.2 - 1.3	[546]
TRIGLYCERIDE	143	mg/dL		40 - 160	[546]

Eval: LIPID METABOLISM DISORDER: >200 mg/dL

CHOLESTEROL 227 H mg/dL 75 - 200 [546]

Eval: REFERENCE VALUE INTERPRETATION:

Eval: BORDERLINE 200-239 mg/dL

Eval: DESIRABLE <200 mg/dL

Eval: HIGH >240 mg/dL

===== *** WORK COPY ONLY ***

(continued...)

Report from: DEERFIELD BEACH CBOC Station #546GH

LAB INTERIM (Aug 20, 1824 - Feb 28, 2007@23:59)
GIBBONS, WILLIAM G 130-36-3209

Page 2

JAN 30, 1948 (59)

===== *** WORK COPY ONLY ***

Printed: 02/28/2007 14:13

(.continued)

HDL CHOLESTEROL	45	mg/dL	35 - 55	[546]
Eval: RISK INDICATOR:	<35	mg/dL		
LDLC CALCULATION	153	MG/DL		[546]

Comment: The formula is LDL=(CHOL- (HDL+ (TRIG/5)))

Provider : FRONTON, LEONARD

Specimen: BLOOD.

HE 1001 237
10/01/2003 16:44

Test name	Result	units	Ref.	range	Site Code
WBC	6.3	K/cmm	4.8	- 10	[546]
NEUTROPHILS %	58.7	%	45	- 79	[546]
LYMPH %	31.9	%	11	- 40	[546]
MONOS %	7.6	%	4	- 13	[546]
EOS %	1.1	%	0	- 7	[546]
BASOS %	0.7	%	0	- 2.5	[546]
NEUTROPHILS #	3.7	thousand	2.2	- 7	[546]
LYMPH #	2.0	thousand	.7	- 2.7	[546]
MONOS #	0.5	thousand	.1	- .7	[546]
EOS #	0.1	thousand	0	- .7	[546]
BASOS #	0.0	thousand	0	- .2	[546]
RBC	4.71	M/cmm	4.17	- 5.75	[546]
HGB	14.8	g/dL	12.8	- 17.2	[546]
HCT	43.7	%	40.2	- 48.2	[546]
MCV	92.8	femtoliter	81.1	- 97.5	[546]
MCH	31.5	pg	29	- 35	[546]
MCHC	33.9	gm/dL	33	- 35	[546]
RDW	12.6	%	10.9	- 14.9	[546]
PLATELET COUNT	176	K/cmm	133	- 373	[546]
MPV	9.5	femtoliter	7	- 9.5	[546]

Provider : FRONTON, LEONARD

Specimen: SERUM.

SC 1210 378
12/10/2002 09:55

Test name	Result	units	Ref.	range	Site Code
PSA	6.98 H	ng/ml	0	- 4	[546]

Provider : FRONTON, LEONARD

Specimen: SERUM.

CH 1210 354
12/10/2002 09:55

Test name	Result	units	Ref.	range	Site Code
TRIGLYCERIDE	123	mg/dL	40	- 160	[546]

Eval: LIPID METABOLISM DISORDER: >200 mg/dL

CHOLESTEROL	208 H	mg/dL	75	- 200	[546]
-------------	-------	-------	----	-------	-------

Eval: REFERENCE VALUE INTERPRETATION:

Eval: BORDERLINE 200-239 mg/dL

Eval: DESIRABLE <200 mg/dL

Eval: HIGH >240 mg/dL

HDL CHOLESTEROL	37	mg/dL	35	- 55	[546]
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*** WORK COPY ONLY ***

(continued...)

Report from: DEERFIELD BEACH CBOC Station #546GH

JAB INTERIM (Aug 20, 1824 - Feb 28, 2007@23:59)
GIBBONS, WILLIAM G 130-36-3209

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JAN 30, 1948 (59)

===== *** WORK COPY ONLY ***

Printed: 02/28/2007 14:13

(.continued)

Eval: RISK INDICATOR: <35 mg/dL

LDLC CALCULATION 146 MG/DL

[546]

Comment: The formula is $LDL = (CHOL - (HDL + (TRIG/5)))$

===== ----- MICROBIOLOGY -----

Accession: PA 02 13149 Received: Oct 02, 2002 14:54
 Collection sample: STOOL Collection date: Oct 02, 2002 14:54
 Site/Specimen: FECES
 Provider: FRONTON, LEONARD

* PARASITOLOGY FINAL REPORT => Oct 02, 2002 TECH CODE: 2034

Parasitology Remark(s):

NEGATIVE FOR OCCULT BLOOD

===== ----- MICROBIOLOGY -----

Accession: PA 02 13148 Received: Oct 02, 2002 14:54
 Collection sample: STOOL Collection date: Oct 02, 2002 14:54
 Site/Specimen: FECES
 Provider: FRONTON, LEONARD

* PARASITOLOGY FINAL REPORT => Oct 02, 2002 TECH CODE: 2034

Parasitology Remark(s):

NEGATIVE FOR OCCULT BLOOD

===== ----- MICROBIOLOGY -----

Accession: PA 02 13147 Received: Oct 02, 2002 14:54
 Collection sample: STOOL Collection date: Oct 02, 2002 14:53
 Site/Specimen: FECES
 Provider: FRONTON, LEONARD

* PARASITOLOGY FINAL REPORT => Oct 02, 2002 TECH CODE: 2034

Parasitology Remark(s):

NEGATIVE FOR OCCULT BLOOD

Provider : FRONTON, LEONARD

Specimen: BLOOD.

HE 0910 243
09/10/2002 10:55

Test name	Result	units	Ref.	range	Site Code
WBC	5.1	K/cmm	4.8	- 10	[546]
NEUTROPHILS %	53.5	%	45	- 79	[546]
LYMPHES %	35.4	%	11	- 40	[546]
MONOS %	8.7	%	4	- 13	[546]
EOS %	1.6	%	0	- 7	[546]
BASOS %	0.8	%	0	- 2.5	[546]
NEUTROPHILS #	2.7	thousand	2.2	- 7	[546]
LYMPHES #	1.8	thousand	.7	- 2.7	[546]
MONOS #	0.4	thousand	.1	- .7	[546]
EOS #	0.1	thousand	0	- .7	[546]
BASOS #	0.0	thousand	0	- .2	[546]
RBC	4.59	M/cmm	4.17	- 5.75	[546]

*** WORK COPY ONLY ***

(continued...)

Report from: DEERFIELD BEACH CBOC Station #546GH

LAB INTERIM (Aug 20, 1824 - Feb 28, 2007@23:59)
GIBBONS, WILLIAM G 130-36-3209

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JAN 30, 1948 (59)

===== *** WORK COPY ONLY *** Printed: 02/28/2007 14:13

(. . . continued)

HGB	14.8	g/dL	12.8 - 17.2	[546]
HCT	43.7	%	40.2 - 48.2	[546]
MCV	95.1	femtoliter	81.1 - 97.5	[546]
MCH	32.3	pg	29 - 35	[546]
MCHC	33.9	gm/dL	33 - 35	[546]
RDW	12.2	%	10.9 - 14.9	[546]
PLATELET COUNT	173	K/cmm	133 - 373	[546]
MPV	9.4	femtoliter	7 - 9.5	[546]

=====

Provider : FRONTON, LEONARD

Specimen: SERUM. SC 0910 692
09/10/2002 10:55

Test name	Result	units	Ref.	range	Site Code
PSA	7.07	H ng/ml	0	- 4	[546]

=====

Provider : FRONTON, LEONARD

Specimen: SERUM. SC 0910 690
09/10/2002 10:55

Test name	Result	units	Ref.	range	Site Code
TSH	1.083	uU/ml	.49	- 4.67	[546]

=====

Provider : FRONTON, LEONARD

Specimen: SERUM. CH 0910 630
09/10/2002 10:55

Test name	Result	units	Ref.	range	Site Code
SODIUM	150	H MMOL/L	137	- 145	[546]
POTASSIUM	4.9	MMOL/L	3.6	- 5	[546]
CHLORIDE	110	H MMOL/L	98	- 107	[546]
ECO2	29	MMOL/L	22	- 30	[546]
ANION GAP	11	MMOL/L	9	- 16	[546]
GLUCOSE	103	MG/DL	75	- 110	[546]
UREA NITROGEN	18	MG/DL	9	- 20	[546]
CREATININE	1.2	MG/DL	.8	- 1.5	[546]
CALCIUM	9.2	MG/DL	8.4	- 10.2	[546]
ALBUMIN	4.5	G/DL	3.9	- 5	[546]
TOTAL PROTEIN	7.4	GM/DL	6.3	- 8.2	[546]
ALT	29	U/L	21	- 72	[546]
AST	22	U/L	10	- 47	[546]
ALKALINE PHOSPHATASE	65	U/L	38	- 126	[546]
BILIRUBIN TOTAL	1.4	H MG/DL	.2	- 1.3	[546]
TRIGLYCERIDE	173	H mg/dL	40	- 160	[546]

Eval: LIPID METABOLISM DISORDER: >200 mg/dL

CHOLESTEROL 224 H mg/dL 75 - 200 [546]

Eval: REFERENCE VALUE INTERPRETATION:

Eval: BORDERLINE 200-239 mg/dL

Eval: DESIRABLE <200 mg/dL

Eval: HIGH >240 mg/dL

HDL CHOLESTEROL 45 mg/dL 35 - 55 [546]

*** WORK COPY ONLY *** (continued...)

Report from: DEERFIELD BEACH CBOC Station #546GH

LAB INTERIM (Aug 20, 1824 - Feb 28, 2007@23:59)

GIBBONS, WILLIAM G 130-36-3209

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JAN 30, 1948 (59)

===== *** WORK COPY ONLY *** =====

Printed: 02/28/2007 14:13

(.continued)

Eval: RISK INDICATOR: <35 mg/dL

LDLC CALCULATION 144 MG/DL

Comment: The formula is LDL=(CHOL-(HDL+(TRIG/5)))

Provider : FINE, STEVEN S

Specimen: URINE.

UR 1121 99
11/21/2001 11:00

Test name	Result	units	Ref.	range	Site Code
URINE COLOR	YELLOW				[546]
APPEARANCE	CLEAR				[546]
SPECIFIC GRAVITY	1.022		1.010 - 1.030		[546]
URINE pH	5.0		5.0 - 7.0		[546]
URINE LEUKOCYTES	NEG	Leu/uL	NEG - POS		[546]
URINE NITRITE	NEG	mg/ml	NEG - POS		[546]
URINE BLOOD	NEG	Ery/uL	NEG - POS		[546]
URINE GLUCOSE	NEG	mg/dl	NEG - POS		[546]
URINE PROTEIN	NEGATIVE	mg/dl	NEG - POS		[546]
URINE KETONES	NEGATIVE	mg/dl	NEG - POS		[546]
URINE BILIRUBIN	NEG	mg/dl	NEG - POS		[546]
UROBILINOGEN	NEG		NEG - POS		[546]

Provider : FINE, STEVEN S

Specimen: SERUM.

SC 1121 459
11/21/2001 11:00

Test name	Result	units	Ref.	range	Site Code
PSA	5.52	H ng/ml	0 - 4		[546]

Provider : FINE, STEVEN S

Specimen: SERUM.

SC 1121 458
11/21/2001 11:00

Test name	Result	units	Ref.	range	Site Code
T-4, TOTAL	7.50	ug/dl	4.5 - 12.0		[546]
T-3 UPTAKE	34.83	%	25 - 35		[546]
FREE THYROXINE INDEX	2.61	UG/DL	1.3 - 3.2		[546]
TSH	0.882	uU/ml	0.49 - 4.67		[546]

Provider : FINE, STEVEN S

Specimen: SERUM.

CH 1121 657
11/21/2001 11:00

Test name	Result	units	Ref.	range	Site Code
SODIUM	144	MMOL/L	137 - 145		[546]
POTASSIUM	3.9	MMOL/L	3.6 - 5.0		[546]
CHLORIDE	103	MMOL/L	98 - 107		[546]
ECO2	24	MMOL/L	22 - 30		[546]
ANION GAP	16	MMOL/L	9 - 16		[546]
GLUCOSE	100	MG/DL	75 - 110		[546]
UREA NITROGEN	17	MG/DL	9 - 20		[546]

===== *** WORK COPY ONLY *** =====

(continued...)

Report from: DEERFIELD BEACH CBOC Station #546GH
 LAB INTERIM (Aug 20, 1824 - Feb 28, 2007@23:59) Page 6
 GIBBONS, WILLIAM G 130-36-3209 JAN 30, 1948 (59)

===== *** WORK COPY ONLY *** Printed: 02/28/2007 14:13

(...continued)

CREATININE	1.1	MG/DL	.8 - 1.5	[546]
CALCIUM	8.8	MG/DL	8.4 - 10.2	[546]
ALBUMIN	4.1	G/DL	3.9 - 5.0	[546]
TOTAL PROTEIN	7.0	GM/DL	6.3 - 8.2	[546]
ALT	18 L	U/L	21 - 72	[546]
AST	19	U/L	10 - 47	[546]
ALKALINE PHOSPHATASE	51	U/L	38 - 126	[546]
BILIRUBIN TOTAL	1.1	MG/DL	.2 - 1.3	[546]
BILIRUBIN DIRECT	canc	MG/DL	0 - 0.4	[546]
TRIGLYCERIDE	127	MG/DL	40 - 160	[546]
Eval: LIPID METABOLISM DISORDER: >200 mg/dL				
CHOLESTEROL	235 H	MG/DL	75 - 200	[546]
Eval: REFERENCE VALUE INTERPRETATION:				
Eval: BORDERLINE 200-239 mg/dL				
Eval: DESIRABLE <200 mg/dL				
Eval: HIGH >240 mg/dL				
HDL CHOLESTEROL	57	MG/DL	29 - 67	[546]
Eval: RISK INDICATOR: <35 mg/dL				
LDLC CALCULATION	153	MG/DL		[546]

Comment: The formula is LDL=(CHOL-(HDL+(TRIG/5)))

Provider : FINE, STEVEN S

Specimen: BLOOD.

HE 1121 218
 11/21/2001 11:00

Test name	Result	units	Ref.	range	Site Code
WBC	5.1	K/cmm	4.8 - 10.0		[546]
NEUTROPHILS %	58.3	%	45 - 79		[546]
LYMPHES %	32.7	%	11 - 40		[546]
MONOS %	7.1	%	4 - 13		[546]
EOS %	1.2	%	0 - 7		[546]
BASOS %	0.7	%	0 - 2.5		[546]
NEUTROPHILS #	3.0	thousand	2.2 - 7.0		[546]
LYMPHES #	1.7	thousand	.7 - 2.7		[546]
MONOS #	0.4	thousand	.1 - .7		[546]
EOS #	0.1	thousand	0 - .7		[546]
BASOS #	0.0	thousand	0 - .2		[546]
RBC	4.45	M/cmm	4.17 - 5.75		[546]
HGB	14.1	g/dL	12.8 - 17.2		[546]
HCT	42.1	%	40.2 - 48.2		[546]
MCV	94.6	femtoliter	81.1 - 97.5		[546]
MCH	31.6	pg	29 - 35		[546]
MCHC	33.4	gm/dL	33 - 35		[546]
RDW	12.5	%	10.9 - 14.9		[546]
PLATELET COUNT	187	K/cmm	133 - 373		[546]
MPV	9.3	femtoliter	7.0 - 9.5		[546]

Performing Lab Sites

[546] MIAMI VAMC

1201 Northwest 16th Street MIAMI, FL 33125

===== *** WORK COPY ONLY *** =====

Action Rx Profile Run Date: FEB 28, 2007 Page: 1
Sorted by drug classification for Rx's currently active
and for those Rx's that have been inactive less than 120 days. Site: VAMC

Name : GIBBONS, WILLIAM G ID# : 3209 Action Date: _____
DOB : JAN 30, 1948 Address : 194 GARTH ROAD
APT. #4I
SCARSDALE, NEW YORK 10583
Phone : (914) 713-4940

WEIGHT (Kg) : 95.45 (10/01/2003) HEIGHT (cm) : 172.72 (10/01/2003)

DISABILITIES:

ALLERGIES: NKA

ADVERSE REACTIONS:

Instructions to the provider:

- A. A prescription blank (VA FORM 10-2577f) must be used for the following:
 - 1) any new medication
 - 2) any changes in dosage, direction or quantity
 - 3) all class II narcotics.
 - B. To continue a medication as printed:
 - 1. If "Remaining Refills" are sufficient to complete therapy or last until next scheduled clinic appointment, no action is required.
 - 2. If "Remaining Refills" are not sufficient to complete therapy or last until next scheduled clinic appointment, sign "RENEW/MD" line, enter VA# and date, and circle total number of refills needed. This action creates a new prescription with refills as indicated.
 - C. To discontinue a medication, sign DISCONTINUE/MD line and enter VA# and date.
 - D. Any medications not acted upon will continue to be available to the patient until all refills are used or until expiration.

NOTE: '(R)' indicates a fill was returned to stock.

Medication/Supply Rx#

>>> NO PRESCRIPTIONS ON FILE <<<

- PENDING ORDERS -

No pending orders for this patient!

Action Rx Profile Run Date: FEB 28, 2007 Page: 2
Sorted by drug classification for Rx's currently active
and for those Rx's that have been inactive less than 120 days. Site: VAMC

Name : GIBBONS, WILLIAM G ID# : 3209 Action Date: _____
DOB : JAN 30, 1948 Address : 194 GARTH ROAD
APT. #4I
SCARSDALE, NEW YORK 10583
Phone : (914) 713-4940

WEIGHT (Kg) : 95.45 (10/01/2003) HEIGHT (cm) : 172.72 (10/01/2003)

ALLERGIES: NKA

ADVERSE REACTIONS:

Instructions to the provider:
A prescription blank (VA FORM 10-2577f) must be used for All Class II NARCOTICS.

OTHER MEDICATIONS:

Name: GIBBONS, WILLIAM G ID#: 3209 DOB: JAN 30, 1948

1 Medication: _____

Outpatient Directions: _____ SC _____ NSC Quantity: _____ Days Supply _____ Refills: 0 1 2 3 4 5 6 7

Provider's Signature _____ DEA # _____ Date/Time _____

Name: GIBBONS, WILLIAM G ID#: 3209 DOB: JAN 30, 1948

2 Medication: _____

Outpatient Directions: _____ **SC** **NSC** **Quantity:** _____ **Days Supply** _____ **Refills:** 0 1 2 3 4 5 6 7

Provider's Signature DEA # Date/Time

Name: GIBBONS, WILLIAM G ID#: 3209 DOB: JAN 30 1948

3 Medication:

Outpatient Directions: _____
SC NSC Quantity: _____ Days Supply _____ Refills: 0 1 2 3 4 5 6 7

Provider's Signature _____ DEA # _____ Date/Time _____

BARTON BARTON & PLOTKIN LLP
ATTORNEYS AT LAW
420 LEXINGTON AVENUE
NEW YORK, NEW YORK 10170

7817/LV

Leonard Fronton, M.D.
2100 Sw 10th Street
Deerfield Beach, FL 33442

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

VALIANA FREEMAN, being duly sworn, deposes and says: that deponent is not a party to this action, is over 18 years of age and resides at Bronx County, New York.

That on the 6th of August 2007 deponent served the within document(s) entitled:

AFFIRMATION IN OPPOSITION

Upon:

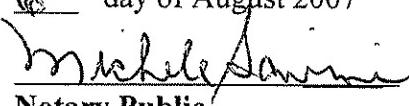
SHERRI L. PLOTKIN, ESQ.
BARTON BARTON & PLOTKIN LLP
Attorneys for Plaintiff
Office & P.O. Box Address
420 Lexington Avenue
New York, NY 10170
(212) 687-6262

OFFICE OF THE UNITED STATES ATTORNEY
Southern District of New York
Attorneys for defendants DEPARTMENT OF VETERANS AFFAIRS and the
UNITED STATES OF AMERICA
86 Chambers Street – 4th Floor
New York, New York 10007
(212) 637-2725

at the address designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a postpaid, properly addressed wrapper and in an official depository under the exclusive care and custody of the United States Post Office within the State of New York.


VALIANA FREEMAN

Sworn to before me this
16 th day of August 2007


Notary Public

MICHELE SAVINI
Notary Public, State of New York
No. 01SA4816512
Qualified in Richmond County
Commission Expires June 30, 2010
2805673.1